

ESTTA Tracking number: **ESTTA357688**

Filing date: **07/13/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91183905
Party	Plaintiff Google Inc.
Correspondence Address	RICHARD R. RONALD PEKINS COIE LLP 1201 THIRD AVENUE, 40TH FLOOR SEATTLE, WA 98101-3099 UNITED STATES wraiva@perkinscoie.com, pctrademarks@perkinscoie.com, rronald@perkinscoie.com, rgregory@perkinscoie.com
Submission	Reply in Support of Motion
Filer's Name	Richard R. Ronald
Filer's e-mail	pctrademarks@perkinscoie.com, rronald@perkinscoie.com
Signature	/Richard R. Ronald/
Date	07/13/2010
Attachments	GOOGLE v Watson-07132010-011349PM (2).pdf (2 pages)(88424 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GOOGLE INC.,

Opposer,

v.

Eric Watson,

Applicant.

**Opposer's Reply to Applicant's
Response to Opposer's Motion
for Sanctions**

Opposition No.: 91183905

Pursuant to 37 C.F.R. § 2.127(a), Google Inc. ("Opposer") hereby submits this Reply Brief ("Reply") in response to Applicant Eric Watson's ("Applicant") Response to Opposer's Motion for Sanctions ("Applicant's Response"). Opposer respectfully requests that the Board consider this Reply and grant Opposer's Motion for Sanctions.

Applicant's Response fails to explicitly agree to furnish the requested discovery responses¹, fails to explain why Applicant did not comply with his discovery obligations within the allotted time, fails to explain why Applicant did not respond to Opposer's Motion to Compel Discovery, and fails to explain why Applicant ignored a Board order compelling discovery, despite being represented by counsel. Moreover, Applicant's Response admits that Applicant purposefully frustrated settlement negotiations, despite Opposer's repeated requests that Applicant make a counteroffer and despite Opposer's repeated stipulations to extensions of discovery deadlines. *See* Opposer's Motion for Sanctions, Exhibit 7. During negotiations, Applicant never indicated that settlement was not a possibility and never requested that the Opposition be allowed to move forward towards a decision on the merits. *Id.*

Applicant has thus repeatedly demonstrated his unwillingness to meet his discovery obligations or to pursue this Opposition in good faith, and the Board should enter judgment in favor of Opposer. 37 C.F.R. §2.120(g)(2) and TBMP §527.03. Should the Board not

¹ Applicant's Response does attach and incorporate by reference his prior response to the Board's order to name new counsel, in which Applicant states he could provide answers to our Interrogatories, "[g]iven some time."

enter judgment in Opposer's favor, Opposer requests that the Board impose other suitable sanctions, including severely limiting the time in which Applicant may meet his discovery obligations.

Because this Motion is potentially dispositive, Opposer requests that the case continue to be suspended with respect to all matters not germane to the Motion.

Dated: July 13, 2010

CERTIFICATE OF SERVICE

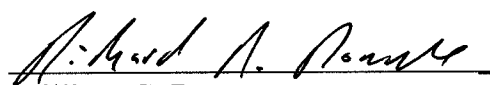
I hereby certify that this, Opposer's Reply to Applicant's Response to Opposer's Motion for Sanctions, is being deposited with the United States Postal Service with sufficient postage as first class mail on July 13 2010 in an envelope addressed to Applicant: 410 45TH Street SW A, Everett, WA 98203, United States

Signature: 

Printed Name: Karen Chekanian

Respectfully submitted,

PERKINS COIE LLP



William C. Rava

Richard R. Ronald

Perkins Coie LLP

1201 Third Avenue, 40th Floor

Seattle, Washington 98101-3099

(206) 359-3036

Attorneys for Google Inc.